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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,947	02/12/2002	Veronique Daurensan	Q68382	2250

7590 01/14/2005
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EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,947

Applicant(s)

DAURENSAN, VERONIQUE

Examiner

Sonny TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-12, 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuda et al. ("Matsuda"; U.S. Patent Application Number 2001/0014616 A1).

Regarding **claims 1 and 10**, Matsuda discloses a method and apparatus for signaling an incoming call or electronic message from a given sender to the user of a receiver terminal to whom said call or message is addressed (abstract, figure 18 and description), in which method said receiver terminal performs the following steps:

- identifying the sender, allowing for at least one changeable or predetermined parameter relating to said sender; and dynamically selecting at least one signaling

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mode and/or at least one signaling device available in said receiver terminal as a function of the state of said at least one parameter relating to the sender [0006] - [0010].

Regarding **claim 2**, Matsuda further teaches that said dynamic selection step also allows for another parameter to be programmed by said user [0007], said another parameter related to the environment or to the status of said receiver terminal [0009].

Regarding **claim 3**, Matsuda further teaches that for each new call or message, one changeable parameter relating to said sender that is allowed for corresponds to the number of earlier calls or messages from the same sender not answered by the addressee, said parameter being modified [0010].

Regarding **claim 4**, Matsuda further teaches that one changeable parameter relating to the sender that is allowed for in the case of an electronic message corresponds to a degree of importance [0056] – [0057], [0074].

Regarding **claim 5**, Matsuda further teaches that said predetermined parameter relating to said sender corresponds to an identity of said sender [0054].

Regarding **claim 6**, Matsuda further teaches that said parameters programmed by said user of said receiver terminal are chosen from the group consisting of the current situation or status of said user [0010].

Regarding **claim 7**, Matsuda further teaches that the parameters that are associated with the environment or the status of said receiver terminal and are used to modify a mode of use of the selected at least one signaling device are chosen from the group consisting of the background noise level [0010].

Regarding **claim 8**, Matsuda further teaches that each time a new incoming call or message is received, at least one signaling mode and/or at least one signaling device or a combination of signaling modes and/or devices are determined, in conjunction with respective degrees of intensity of their use, by selecting said modes and/or devices on the basis of one or more graduated scales [0010].

Regarding **claim 9**, Matsuda further teaches that each time a new incoming call or message is received, a signaling mode and/or a signaling device are selected after, either analyzing the different types of parameters that are relevant or allowing for their relative importance as predefined by the user, and, verifying the existence of multi-parameter selection configurations preprogrammed by said user and applying to said incoming call or message [0010], [0036] – [0037].

Regarding **claim 11**, Matsuda further teaches a history file for storing automatically, for each call or message, a first number or the address of said sender and either a second number of successive calls or messages sent by each of said senders which the user of the telecommunication terminal has not answered said history file being updated automatically on each new call or message by incrementing the variable indicating the number of unanswered previous calls or messages from said sender, by activating an indicator that the sender concerned is awaiting a response [0010] – [0037].

Regarding **claim 12**, Matsuda further teaches that wherein said dynamic selector module is adapted, after allowing for said first number or said address of said sender, to read the value of said variable or the state of said indicator assigned to said sender,

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said information constituting a first changeable parameter relating to said sender [0010], [0036] – [0037], [0048] – [0051].

Regarding **claim 14**, Matsuda further teaches that said changeable parameter is incremented, if said new call or message is not answered (figure 8, see description, [0010]).

Allowable Subject Matter

3. **Claims 13 and 15** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 13**, the prior art provided numerous examples responses to a call based on the different setting conditions, but failed to disclose or fairly suggest the specific combination of structural and functional limitations set forth in claim 13, specifically, the telecommunication terminal further including a file for assigning degrees of priority or importance specific to given senders, a file for indicating and configuring said signaling device or devices as a function of values and/or states of parameters allowed for by said dynamic selector module, a file or a programmable variable indicating the current situation or status of said user, and a file containing parameters relating to the environment or to the status of said mobile terminal, said files and/or said variable being consulted, together with said history file, and their contents being used by said dynamic selector module to control said signaling means to generate a warning signal or message appropriate for said user.

Regarding **claim 15**, the applied prior art also fail to teach or fairly suggest that wherein said one or more graduated scales (as specified in claim 8) are scales of effectiveness of warning, each of said scales being associated with at least one of a current situation and status of said user, wherein said status is programmed by said user, and said one or more graduated scales are a function of one of a value and a level of warning calculated from one of a changeable parameter and a non-changeable parameter associated with said sender.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 703-305-1961. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SONNY TRINH
PRIMARY EXAMINER

01/11/05